

for whose benefit any trust shall be created, the common remedy may be pursued.

C H A P.
XXXIII.

XV. And, whereas it hath been represented to this general assembly, that sundry persons are willing and desirous, on account of the great public advantages, and the improvement their estates may receive thereby, to promote and contribute towards so useful an undertaking, and to subscribe sums of money, to be paid on condition the said works are really completed and carried into execution, but do not care to run any risk, or desire to have any property therein: Therefore, **Be it enacted**, That the said president and directors shall be and are hereby empowered to receive and take in subscriptions upon the said condition, and upon the said works being completed and carried into execution according to the true intent and meaning of this act, that it shall and may be lawful for the said president and directors, or a majority of them, in case of refusal or neglect of payment, in the name of the company as aforesaid, to sue for and recover of the said subscribers, their heirs, executors or administrators, the sums by them respectively subscribed, by action of debt or upon the case, in any court of record within this state.

Directors may
receive sub-
scriptions,
&c.

XVI. And be it enacted, That if the said capital, and the other aids already granted by this act, shall prove insufficient, it shall and may be lawful for the said company, from time to time, to increase the said capital, by the addition of so many more whole shares as shall be judged necessary by the said proprietors, or a majority of them, holding at least three hundred shares, present at any general meeting of the said company; and the said president and directors, or a majority of them, are hereby empowered and required, after giving at least one month's previous notice thereof in the Maryland and Virginia gazettes, to open books in the before-mentioned places for receiving and entering such additional subscriptions, in which the proprietors of the said company for the time being shall and are hereby declared to have the preference of all others, for the first thirty days after the said books shall be opened as aforesaid, of taking and subscribing for so many whole shares as any of them shall choose. And the said president and directors are hereby required to observe in all other respects the same rules therein, as are by this act prescribed for receiving and adjusting the first subscriptions, and in like manner to return, under the hands of any three or more of them, an exact list of such additional subscribers, with the sums by them respectively subscribed, into the general courts as aforesaid, to be there recorded; and all proprietors of such additional shares shall and are hereby declared to be from thenceforward incorporated into the said company.

Capital may
be increased,
&c.

XVII. And it is hereby declared and enacted, That the tolls herein before allowed to be demanded and received at the nearest convenient place below the mouth of the south branch, are granted, and shall be paid on condition only, that the said Patowmack company shall make the river well capable of being navigated, in dry seasons, by vessels drawing one foot water, from the place on the north branch at which a road shall set off to the Cheat river, agreeably to the determination of the assemblies of Virginia and Maryland, to and through the place which may be fixed on below the mouth of the south branch for receipt of the tolls aforesaid; but if the said river is only made navigable as aforesaid, from Fort Cumberland to and through the said place below the mouth of the south branch, then only two thirds of the said tolls shall be there received; that the tolls herein before allowed to be demanded and received at or near Payne's falls, are granted, and shall be payable on condition only, that the said Patowmack company shall make the river well capable of being navigated, in dry seasons, by vessels drawing one foot water, from the said place of collection near the mouth of the south branch, to and through Payne's falls aforesaid; that the tolls herein before allowed to be demanded and received at the great falls, are granted, and shall be payable on condition only, that the said Patowmack company shall make the river well capable of being navigated, in dry seasons, from Payne's falls to the great falls, by vessels drawing one foot water, and from the great falls to tide water; and shall, at or near the great falls, make a cut or canal

Tolls granted
on condition,
&c.